

# United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	VIRGINIA M. KENDALL	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 7624	DATE	September 27, 2012
CASE TITLE	Joseph Thomas Nurek (#21516-424) vs. United States of America		

**DOCKET ENTRY TEXT:**

Petitioner-Defendant is granted thirty days in which either to file an *in forma pauperis* application on the enclosed form with trust account certification or pay the full \$46.00 miscellaneous filing fee. The Clerk is directed to send Petitioner an i.f.p. application along with a copy of this order. Failure of Petitioner to comply within thirty days of the date of this order will result in summary dismissal of this case. Petitioner is advised that he must provide the Court with the original plus a judge's copy of every document filed.

■ [For further details see text below.]

Docketing to mail notices.

## STATEMENT

Petitioner-Defendant, a federal prisoner, has filed a *pro se* motion for the return of property pursuant to Fed. R. Crim. P. 41(g). Petitioner contends that he is entitled to recover bank funds seized by the U.S. government prior to an agreed garnishment order entered in June in his federal criminal case. *See United States v. Nurek*, Case No. 04 CR 0333 (N.D. Ill.), Order of July 30, 2012 (Kendall, J.).

Petitioner has failed either to pay the statutory filing fee or to file a petition for leave to proceed *in forma pauperis*. If Petitioner is unable to pay the \$46.00 miscellaneous filing fee applicable to motions for the return of property, he must file a motion for leave to proceed *in forma pauperis* with the information set forth at 28 U.S.C. § 1915(b)(2). The Court will direct correctional officials to deduct the initial filing fee payment directly from Petitioner's trust fund account. Thereafter, correctional authorities having custody of Petitioner will be authorized and ordered to make monthly payments to the Court of 20% of the preceding month's income credited to the trust fund account until such time as the full filing fee is paid.

To enable the Court to make the necessary assessment of the initial partial filing fee, Petitioner must "submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the

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**STATEMENT (continued)**

appropriate official of each prison at which the prisoner is or was confined.” 28 U.S.C. § 1915(a)(2). Therefore, if Petitioner wishes to proceed with this case by making installment payments instead of paying the full filing fee in advance, he must file an *in forma pauperis* application on the form required by the rules of this Court, together with a certified copy or copies of his trust fund statements reflecting all activity in his accounts in the past six months [that is, from March 24, 2012, through September 24, 2012].

Petitioner must, within thirty days, **either** file an *in forma pauperis* application on the enclosed form with the information required by 28 U.S.C. § 1915(a)(2) **or** pay the full \$350 filing fee. The Clerk will furnish Petitioner with an *in forma pauperis* application along with a copy of this order. Failure of Petitioner to comply within thirty days of the date of this order will result in summary dismissal of this case.

Petitioner is reminded that he must provide the Court with the original plus a judge’s copy of every document filed.